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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/171,049 | 10/12/1998 | EBRAHIM REZAI | JA138 | 7592 |
| 27741 THE PROC | 7590 01/29/2002 FER & GAMBLE CO | EXAMINER | | |
| PATENT DIV | | PRATT, CHRISTOPHER C | | |
| 11450 GROO | MS ROAD | ART UNIT | PAPER NUMBER | |
| CINCINNAT | 1, OH 45242 | 1771 | 17 | |
| | | DATE MAILED: 01/29/2002 | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| no event, however, will the statutory period for reply applie later than 5M MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f). Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extensions of time may be obtained under 37 CFR 1.136(a). The date for purposes of determining the period of extensions and the corresponding amount of the fee. The appropriate extensice the bave been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extensions are set for in (t) above, if checked, Any reply received by the Office later than three months after the mailing date of the final Office action; of the under 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 1. A Notice of Appeal was filed on Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal. 2. The proposed amendment(s) will not be entered because: (a) they raise new issues that would require further consideration and/or search (see NOTE below); (b) they raise the issue of new matter (see Note below); (c) they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) they present additional claims without canceling a corresponding number of finally rejected claims. NOTE: See Continuation Sheet. 3. Applicant's reply has overcome the following rejection(s): 4. Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendmen canceling the non-allowable claim(s). 5. The a) affidavit, b) exhibit, or c) or request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet. 6. The affidavit or exhibit will NOT be considered because it is not directed SOLELY to | | Application No. | Applicant(s) | | | | |
|---|---|--|--|--|--|--|--|
| Examiner Christopher C. Pratt T717 -The MAILING DATE of this communication appears on the cover sheet with the correspondence address— THE REPLY FILED 02, January 2002. FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal feet), or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The period for reply expires | Advisory Astion | 09/171,049 | REZAI ET AL. | | | | |
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| 9. Note the attached Information Disclosure Statement(s)(PTO=1449) Paper No(s) 10. Other: TERREL MORRIS SUPERVISORY PATENT EXAMINER TERREL MORRIS Christopher C. Pratt | Claim(s) withdrawn from consideration: | | | | | | |
| 10. Other: TERREL MORRIS SUPERVISORY PATENT EXAMINER Christopher Pratt | | | oproved by the ⊏xaminer. | | | | |
| SUPERVISORY PATENT EXAMINER Christocher C. Pratt | 9. Note the attached Information Disclosure Statem | ent(s)(PTO-1449) Paper No(s) | | | | | |
| (FORMORAGE OF COMPANY | 10. Other: | SUPERVISORY PATENT EXAMII | CHISIOMICEO, Hatt | | | | |
| Art Unit: 1771 | | | | | | | |

Continuation Sheet (PTO-303)



Continuation of 2. NOTE: Applicant has amended the claims to include the phrase "dry state." This amendment may have possible 112 indefinite problems. Generally, the word "dry" refers to the absence of liquid. This, however, does not appear to be applicant's intended meaning. How do the microfibers act as glue if they are not tacky? This limitation has not been previously considered.

Continuation of 5. does NOT place the application in condition for allowance because: Applicant has amended the claims in an attempt to overcome the teaching of Minto. Applicant's arguments rely on a non-entered amendment.

Applicant's accompanying declaration states that one of the inventors of the "405 patent, which is the primary reference used in the current rejection, did not contemplate the use of glue mircrofibers to bind the absorbant polymer to the substrate. This declaration is not persuasive for two reasons. First, one inventor cannot make legal statements concerning the thoughts and contemplations of other inventors. Therefore, the other inventors of '405 may have contemplated the use of glue mircofibers. Second, the test for obviousness is what the prior art would suggest to a person having ordinary skill in the art.. It is the examiner's position that even if the inventors of '405 did not contemplate the use of glue microfibers, others having ordinary skill in the are would have found such a modification obvious.